

REMARKS

Claims 1-26 are pending in the application. Claims 17 and 18, and 20-26 are listed as having been withdrawn from consideration. Claims 1 and 19 have been rejected, and claims 2-16 have been objected to.

Introduction of the above amendments to the claims, withdrawal of the rejection of claims 1 and 19, withdrawal of the objection to claims 2-16, and rejoinder of method claims 17 and 18 and single process claim 24 with compound claim 1, are respectfully requested.

DISCUSSION

Rejection of Claim 1 Under 35 U.S.C. §112

In the Office Action mailed November 23, 2005, the Examiner rejected claim 1 under 35 U.S.C. §112, second paragraph, for employing the allegedly indefinite term "derivative."

In response thereto, Applicants have, in claim 1, deleted the term "derivative" and substituted therefor the phrase "salt, solvate, ester, or amide." Furthermore, in dependent claim 16, Applicants have canceled the term "derivative" and substituted the phrase "salts, solvates, esters, or stereoisomers" therefor. Antecedent basis for such amendments is found on page 7, line 33, of the instant Description.

Reconsideration and withdrawal of the rejection of claim 1 are respectfully requested.

Obviousness-Type Double Patenting Rejection of Claim 19

The Examiner rejected claim 19 under the doctrine of provisional obviousness-type double patenting in view of claim

1 of currently co-pending U.S. Serial No. 10/865,194 (U.S. Published Appl'n. No. 2005/0049255 A1).

In response thereto, Applicants submit concurrently herewith an executed "Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection Over a Pending 'Reference' Application" (Form PTO/SB/25) for the Examiner's consideration.

Reconsideration and withdrawal of the provisional obviousness-type double patenting rejection of claim 19 are respectfully requested.

Objection to Claim 16

The Examiner objected to claim 16 for allegedly reciting the partial chemical name "tricycle[9.4.0.0*2,6*]" in lines 8 and 19 on page 154 of the instant Description.

The objection to claim 16 is not understood. Claim 16, as originally filed, on lines 8 and 10, page 154, clearly recites the partial chemical name "tricyclo[9.4.0.0*2,6*]" (underlineation added).

Reconsideration and withdrawal of the objection to claim 16 are requested. If, upon reconsideration, the standing objection to claim 16 is maintained, Applicants respectfully request clarification as to the specific nature of the alleged informality of claim 16.

Rejoinder of Method and Process Claims

Pursuant to the standard articulated in *In re Ochiai*, 71 F.2d 1565, 37 U.S.P.Q. 1127 (Fed. Cir. 1995) and the provisions of M.P.E.P. §821.04, Applicants request rejoinder of non-elected method claims 17 and 18 of Group II, and process claim 24 of Group IV, with the provisionally elected

product claims of Group I now that such product claims are in condition for allowance.

Applicants note the instant cancellation of claim 20, directed to intermediates, and process claims 21-23 and 25-26.

Applicant's Amendment to Claims 16 and 18

Applicants respectfully direct the Examiner's attention to the additional amendment to claim 16, wherein the dibesylate salt of the compound "8-chloro-5-methyl-1-(3,4,5,6-tetrahydro-2H-[1,2']bipyridinyl-4-yl)-5,6-dihydro-4H-2,3,5,10b-tetraaza-benzo[e]azulene" has been added thereto. Antecedent basis for such amendment is found in the instant Description on page 91, lines 1-11.

Furthermore, claim 18, which depends from claim 17, has also been amended to include the indication "anxiety", previously claimed in the aforementioned claim 17.

All pending claims are now in condition for allowance. Such favorable treatment is respectfully solicited.

Respectfully submitted,

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